

## SUGAR TRUST MAN GIVEN TWO YEARS

Oliver Spitzer Sentenced to  
Atlanta Penitentiary.

CLAIMS HE WAS SCAPEGOAT

Refinery Superintendent Declares  
Government Cried for Victim and  
Sugar Trust Sacrificed Him—C. R.  
Heike's Trial for a Conspiracy  
Charge Complicated by Attorneys.

New York, Feb. 10.—Oliver Spitzer, the former refinery superintendent of the sugar trust, who was convicted last December of complicity in the sugar weighing frauds, was sentenced to-day by Judge Martin in the United States Circuit Court to serve two years in the Federal prison at Atlanta.

As soon as sentence had been pronounced, Judge Martin opened court for the trial of Charles R. Heike, secretary of the Holding Company of the New York Company, and treasurer of the New York Company. Heike was indicted on charges of defrauding the government out of customs duties on sugar, and of overt acts in signing checks for the short payments.

**Scapegoat of Trust.**  
Before Spitzer left for Atlanta in charge of a deputy marshal, he made a statement in which he said he had been made the scapegoat for the sugar trust. Spitzer's sentence had been deferred on account of an operation which he underwent after his trial. He was tried with four former checkers employed by the sugar trust on the Williamsburg docks.

The checkers, Thomas Kehoe, Howard Edward A. Boyle, Patrick J. Hennessey, and John Coyle, were all convicted of having a part in defrauding the government on sugar import duties, and are now serving a year each on Blackwell's Island. Spitzer's statement in part follows:

"As I stated upon the prison threshold to-day, I find myself absolutely deserted by the sugar trust. It deserted me when I was arrested and deserts me now. And this after having served the trust faithfully for twenty-nine years. It was in 1880 that I first went to work for the trust as a boy, and finally rose to the position of check superintendent. Reports have fixed my salary at ridiculously high figures, when, as a matter of fact, I actually received but \$5 a week.

**Cried for Victim.**  
"The truth of this whole matter is that the government cried for a victim, and the trust sacrificed me and the four poor \$18-a-week checkers who are now serving a year on Blackwell's Island."

Charles R. Heike's trial on the conspiracy charge is complicated by the plea of his counsel, John B. Stanchfield, and George S. Graham, formerly district attorney of Philadelphia, that their client should be immune from prosecution because he had given before the Federal grand jury the evidence upon which he was later indicted.

Heike took the stand and testified that he was questioned in the grand jury room about the production of sugar by the company, and that he supplied figures showing what each company of the trust could produce. He obtained, he said, for the grand jury a table showing the number of pounds of raw sugar melted by the trust.

**ROVING INVENTOR KILLS SELF.**

Had Contrived Poison Guard to Prevent Druggists' Mistakes.

Philadelphia, Feb. 10.—William Schilling, fifty years of age, of Conshohocken, Pa., who, the police say, was an inventor of some consequence, committed suicide to-night by taking strychnine in a lodging house in North Ninth street, and died a short time after being taken to Hahnemann Hospital.

Pinned to the cover of the washstand was a note, which read:

"Please notify my sister, Mrs. Baumgardner, 20 North Fourth street, Philadelphia. All I ask is to be buried with my brothers and sisters in Glenwood Cemetery."

On his clothing the police found considerable literature, which indicated that he was in communication with Washington patent attorneys relative to having his ideas patented. One of these inventions was that known as a poison guard for use of druggists, and another was known as a pneumatic boat pusher, used, the police say, to receive the jar when a boat jams into a dock or vessel, distributing the force of impact without injury to either vessel or dock.

Scissors will be found much more convenient for shredding lettuce than a knife.

## Over-eating Worse Than Starvation.

Seven Deaths Arise from This Cause  
To One of Lack of Food.

A Trial Package of Stuart's Dyspepsia Tablets Sent Free.

An English medical observer claims that for one death due to starvation there are seven from over-eating.

His investigation is appalling and leads one to believe that among the Anglo-Saxon race over-eating is a national crime.

This investigation proves over-eating to be the cause in ten cases out of twelve of dyspepsia, indigestion, and stomach trouble.

These diseases bring on decay and decline of the other organs and death ensues because of an inability of the system to furnish proper nourishment to the dying and afflicted parts.

When one over-eats, one exhausts the gastric fluids, throws undigested food into the intestines where it creates poison and germ life and is finally absorbed in a putrid state or thrown from the system in a decaying form.

Stuart's Dyspepsia Tablets will overcome the ill effects of gluttony and irregular eating. They will digest an abnormal amount of food and will not leave the stomach until everything has been digested.

A single one-grain ingredient of these tablets will digest 3,000 grains of food, and in this proportion is seen how even gluttony can be overcome or at least its most harmful effects removed.

Make up your mind to try Stuart's Dyspepsia Tablets for one week. Take a tablet after each meal and upon retiring at night. Every druggist carries them in stock, price 5c. If you have a druggist friend ask his opinion. Send us your name and address and we will send you a trial package free of cost.

A. Stuart Co., 350 Stuart Bldg., Marshall, Mich.

## IRISH TO START A PAPER.

Cheering Greeting Announcement at  
Meeting of O'Brien Followers.

Cork, Feb. 10.—There was a largely attended meeting of the supporters of William O'Brien at the city hall to-day to inaugurate arrangements for establishing a daily newspaper in furtherance of the all-Ireland movement. The title, Cork Free Press, was adopted.

Much enthusiastic cheering followed an announcement that more than \$35,000 had already been subscribed for the paper. The subscriptions included \$2,500 each from Lord Dunraven, Lord Castletown, and Mr. O'Brien.

**CHEER NAZIMOVA AS NORA**

Russian Actress, in Ibsen's "A Doll's House," Rekindles Favor.

Company Strong with One Exception,  
and is Greeted by Many  
Who Saw Actress Before.

With a change of bill from "The Passion Flower" to "A Doll's House," Mme. Nazimova came back into her own at the Belasco last night.

One had only to see her impersonation of Nora, the doll-wife, the careless, irresponsible woman, who is so suddenly plunged into the realization of what she has done and the consequences of her deed, to feel that they saw a great actress. Nora believed it was for the good of her husband and did not dream she was doing a wrong or committing a crime. One sees the sudden transition from the care-free girl of the opening act to the woman of the last, who goes out into the world in order that she may begin life anew and perhaps learn to love over again. All this one sees in the actress' wonderful work, and she cannot receive too much praise for the manner in which she acted the leading role in what is generally conceded to be the great Norwegian's greatest drama.

To those who had seen her in the earlier play the change was not so very decided in the character itself. For the Vivian of the one is essentially the Nora of the other. But it is the play itself that makes the difference. "A Doll's House" actress has chances to show her admirable talents along the various lines that go to make up her genius in a way entirely denied her in the other. Her act of making up, her laugh, her snatches of song, her graceful postures all combine to make the character of Nora one that will last in memory.

The play itself remains to-day one of the monuments to an immortal genius—one of the plays that depict the human passions and human beings so well and so truly that it will live as long as there are talented artists to play the roles.

With one exception the actors were excellent in the present production. Brandon Tynan, as Thorvald Helmer, the husband, came a long way from arriving at the standard set by the star. As if to draw attention to the splendid enunciation and praiseworthy repression of Mme. Nazimova, he utters his speeches in a tone much louder than necessary, and with a harsh note that continually jarred. In his lighter moments he was at his best, but in the heavier ones he displayed clearly his tendency to over-act the part and grow melodramatic.

Could he but take a few lessons from the enunciation of the star his work would improve vastly.

The other members of the company were excellent. Vincent Sternoy, who was the Todd Green of the other play, was the Dr. Rank of this. William Hasson as Nils Krogstad and Grace Reals as Mrs. Linde did excellent work. The play itself, though not so morbid as some of Ibsen's, leaves an impression on the listener second to none of his, and as acted by Mme. Nazimova and her cast last night it reaches a degree of excellence which may, with the exception noted, be safely placed as a standard for other productions and other casts.

**ARRESTED IN QUICK TIME.**

Alleged Thief Caught Two Hours  
After Discovery of Theft.

Detection of theft, capture of the alleged thief, recovery of part of the stolen property, and a confession of the crime by the man arrested was but two hours' work last night for Detective W. E. Smith and Policeman F. C. Nebb, of the Ninth precinct, who will probably take rank with the best detectives of the National Capital by virtue of the clever achievement.

It was about 10 o'clock when John F. Dries, of 1219 K street northeast, discovered he had been robbed. He had placed \$5 in a bureau drawer in his bedroom, and it was missing. Dries told Smith and Nebb. By 11 o'clock they had arrested Ralph Simms, negro, nineteen years old, on a charge of grand larceny.

The prisoner was removed to the Ninth precinct station and searched. It is alleged \$14.50 was found in his pockets. The police say the negro admitted it was part of the money stolen from Dries and confessed to spending the remainder of the money. It was midnight when Simms was locked in a cell.

**ESCAPED CONVICT CAUGHT.**

Negro Assaults Aged White Woman  
After Leaving Jail.

Tampa, Fla., Feb. 10.—Escaping from a convict company to-day, Rowland Flower, a short-term negro convict, assaulted Mrs. Ellerbe, a white woman, seventy years old, at her home, some six miles from this city. The negro, on leaving the house of his victim, obtained a double barrel shotgun which was on the premises and a supply of ammunition for the same.

A posse came upon Flower at a point three miles from the scene. He attempted to fire on the officers, but was brought down by two well-directed shots and hurried to the county jail. His wounds are not serious.

**NO HOPE FOR VICTIM.**

Truman Krauskopf Held for Acci-  
dental Shooting of Chapman.

Physicians at Emergency Hospital have no hope for the recovery of Grant Chapman, thirty years old, a cook, who was accidentally shot in the left side of the abdomen by a friend, Truman Krauskopf, of 23 E street northwest, while examining a revolver about 1:30 o'clock yesterday morning in the Richmond lunch room, 546 Ninth street northwest.

Although Chapman made a statement at the hospital that the shooting was accidental, Krauskopf was arrested. He saw an attorney before his arrest and refused to discuss the shooting. An operation was performed on Chapman, and the bullet was removed.

**Largest Morning Circulation.**

## THE THEATRE TO-DAY

THE BELASCO.

Nazimova, in "A Doll's House".....At 8:30

THE COLUMBIA.

Henrietta Crossman, in "Sham".....At 8:15

THE NEW CLEVELAND.

Elsie Janis, in "The Fair Coed".....At 8:15

THE CASINO.

Polite Vandellie, in "The Fair Coed".....At 8:15

THE GAYETY.

Burlesque.....At 8:15 and 8:30

THE LYCEUM.

Burlesque.....At 8:15 and 8:30

**LONG NECKS ON STAGE.**

Miss Violet Seaton, of "Mary's Lamb"  
Company, Holds the Record.

Long necks are again fashionable on the stage as well as in social circles. But it is only a few years since the short-necked woman "looked up" at the world and ruled it.

For years the Queen of England and her daughters were commiserated because of their long throats. Even the high dog collar of pearls that was worn by Alexandra was not imitated by any other

woman. Instead of a high band to accentuate the neck, the woman in décolleté gown wore a drop necklace that lowered the line of her throat.

Then came the Duchess of Marlborough with her peck-like neck, holding her head to one side like a lily drooping on its stem. It suddenly dawned upon England and America after the duchess had been painted by Sargent that the American duchess was beautiful in her way. And so long necks have again become popular.

The long-necked school had for its leaders the pretty Princess Henry of Pleas, beautiful Elsie Whalen, of Philadelphia, who became Mrs. Robert Goetz, Katherine Duer, who became Mrs. Clarence Mackay; Mrs. Philip Ludig, and Mrs. Harry Payne Whitney.

The long-necked woman became just as popular on the stage. There are Mme. Alla Nazimova, Mme. Bertha Kalich, Miss Ethel Barrymore, and others, whose giraffe-like throats have added not a little to their fame. They were all photographed in positions that emphasized this phase of their attractiveness.

There is a girl in Richard Carle's company, which is to play "Mary's Lamb" at the National next week, who has the distinction of having a longer neck than any woman now on the American stage. This actress is pretty Miss Violet Seaton, an English girl, who is prima donna in the Carle company. By actual measurement the neck exceeds in length that of either Mme. Nazimova or Miss Barrymore by fully an inch.

**CANNED FOOD HELPED PEARY.**

So Declares Governor of Maine at  
Association's Meeting.

Atlantic City, N. J., Feb. 10.—American canned goods brought to perfection in recent years, added the discovery of the north pole, according to Gov. R. M. Fernald, of Maine, who addressed the final meeting of the National Canners' Association this afternoon.

"Commander Robert Peary told me himself that the ability to obtain nutritious food packed by American canneries for his northward trip really enabled himself and his companions to reach a point where he made his successful dash for the pole," said Gov. Fernald.

Declaring that members of the National Canners' Association have done great service to the nation and humanity by their stand in favor of pure food products, Dr. Harvey W. Wiley requested the canners to assist him and his department in still further movements toward pure foods.

Canners of the country are the only organized body of men who have never attempted to corner the market in the furnishing of foodstuffs, according to Dr. Wiley, who in another part of his address lauded the packers of fruits and vegetables and declared "packers of canned goods are entitled to praise because they have never tried to force up prices of the production by storing them to create demand."

Mint sandwiches are tasty for supper or afternoon tea. Mince the leaves from one or two bunches, season with oil, vinegar, salt, and paprika, and spread between slices of bread and butter.

## LAW MAKERS SPLIT ON COURT ORDER

Continued from Page One.

leges of members of Congress. He thought to argue to the contrary showed false pride.

Representative Parker's resolution directing the House members of the joint committee to respond in court to the summons and plead the lack of jurisdiction was defeated by a decisive vote.

**Clayton Loses Out.**

Then Representative Clayton's resolution was voted down on a roll call. The test vote in the Senate came on a proposed amendment to the resolution offered by Senator Nelson, which instructed Senators Smoot, Bourne, and Fletcher to respond in court and raise the question of jurisdiction. The amendment, after much debate, was rejected, 45 to 11.

The main resolution was then adopted without division. A resolution directing the Secretary of the Senate to notify Judge Wright of the Senate's action was then passed.

The Senate indulged in an interesting debate apropos of the alleged invasion of its privileges and prerogatives by Justice Wright. The question arose on the report of Senator Clark, of Wyoming, chairman of the Judiciary Committee, directing the Senators named as respondents to make no response to the summons.

**Nelson Aroused Interest.**  
Senator Nelson, of Minnesota, aroused interest by declaring the report was not unanimous. He said he agreed with the majority that the court had no jurisdiction, but admitted a question arose upon the fact that the committee was not one of the regular authorized committees of the Senate, but had been created and its duties defined by a statute. He counseled respect for the courts.

He urged that the Senators summoned be allowed in their discretion to appear in court and have the question of jurisdiction determined.

Senator Root declared there was no question that the privileges and prerogatives of the Senate had been invaded, but he advised a respectful course for the Senate to pursue would be to notify the court of the action taken, instead of simply ignoring the summons.

Senator Root said the court's mandamus was a plain attempt to control the prerogatives of the Senate. The question whether the Supreme Court of the District can control the printing of the government is not one for the courts, but for the legislative branch of the government, said the New York Senator.

Senator Sutherland maintained the committee of Congress are not always above the law, and it is his opinion the Senate Committee on Printing should appear in court and plead its privilege.

**Tillman Enlivens Debate.**  
"But suppose," interjected Senator Tillman, "that after the Senators plead privilege, the court decided against them?"

"Then," said Senator Sutherland, "I would contest the matter, and take it to the Supreme Court of the United States." And suppose that court turned you down?"

"Then I would advise the Senate to yield."

"And then the Senate would disappear," exclaimed Mr. Tillman.

"The Senate disappears very often," was the reply of Senator Sutherland. "Often a law passed by this body is declared unconstitutional by the courts, and the Senate yields."

"But this is a question of legislative prerogative," observed Senator Tillman, "and whether we are going to keep the courts out of the Senate."

Senator Bacon, of Georgia, said this is a matter that involves not only the dignity of the Senate, but is vital to the life of the legislative department. Senator Piles said he desired to go on record as favoring the submission of the Senate's views to the court.

**History of Case.**  
The action in the court which resulted in issuing the summonses to the members of the Printing Committee grew out of the recent award of contracts by that committee for supplying paper to the Government Printing Office for the next year. Proposals were invited, and the Valley Paper Company, of Holyoke, was the list of bidders.

It was among the lowest, but the joint committee declared it was informal, and the bid was thrown out. Thereupon, the firm applied to Justice Wright for a writ of mandamus to compel the committee to make the award to the petitioners.

**ANOTHER FLOOD NOT FEARED.**

Paris, Feb. 10.—Although the Seine continues to rise, which delays the restoration of works, the water has not reached the height expected two or three days ago.

Flood water is still coming down from the Yonne and Marne rivers, but it is now believed that before it reaches Paris the Seine will be falling again. The fine dry weather encourages the hope that nothing serious will recur, but the precautions are not relaxed.

**TRIALS of the NEEDLEMS**

CONVINCE ME THAT YOU ARE A NEEDLEMAN AND I WILL TAKE YOU TO COURT FOR THE ENTIRE FINE AND GET SOME COMPENSATION FOR MY LOSS.

SEE THEN WHY YOU MUST BE A NEEDLEMAN AND I WILL TAKE YOU TO COURT FOR THE ENTIRE FINE AND GET SOME COMPENSATION FOR MY LOSS.

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## TAFT'S VIEWS FIRM

Speech To-morrow Night a  
Message to Financiers.

TRUSTS WILL NOT BE HIT HARD

His Attitude Toward Capitalistic  
Combinations Has Undergone No  
Change Since Message of January  
7—Not in Sympathy with Propaganda  
for Indiscriminate Crusade.

President Taft's speech at the annual dinner of the New York Republican Club at the Waldorf-Astoria to-morrow night will be in the nature of a message to the big financial and industrial interests of the country.

While the President will adhere to what he has said in previous speeches in which he recommended a Federal incorporation and amendments to the interstate commerce law, he will endeavor to make clear he has not started to run amuck in the business world.

He put in most of yesterday afternoon on the speech, and apparently desires to have it given the widest publicity.

It was explained yesterday that while the speech would not afford comfort to illegal combinations of capital, there was nothing in it to make legitimate business combinations shiver with fear. According to what the President has said to visitors recently, his attitude toward the trusts has not undergone a change since his explanation of that attitude in his message of January 7.

**Convinced by Conditions.**  
From what became known yesterday, it is apparent the President would not have regarded it as necessary to reiterate his ideas with respect to capitalist combinations if recent developments had not convinced him that, in spite of all he has said, business interests and a good many people who are in favor of war on trusts, do not understand the purposes of his administration.

There is ample reason for believing the President has come to the conclusion that a state of political hysteria prevails in parts of the country where the idea is widespread that he should go after trusts hammer and tongs without regard to the consequences. That he has no sympathy with the propaganda for an indiscriminate crusade that might result in upsetting business conditions is obvious, and it is believed that in his speech he will not hesitate to pay his respects to those whose anti-trust views are not tempered by reason or a regard for the business prosperity of the country.

President Taft is considering the appointment of James A. Fowler, of Tennessee, an Assistant Attorney General in the Department of Justice, to succeed Wade H. Ellis, the Assistant Attorney General, who has resigned to become chairman of the Republican State executive committee of Ohio. Mr. Fowler has been connected with the Department of Justice for two years.

**Selection of Candidate.**  
When the President goes to New York to-morrow he is to get together with most of the party leaders, and it was said yesterday, may participate in the tentative selection of a man to run for the governorship. The President, it was made known, will attend a reception at the home of Lloyd C. Griscom, recently elected president of the New York County Committee, at which most of the Republican leaders are expected. It had been Mr. Taft's intention to be the guest of Mr. Griscom, but it was decided within a few days that he would go to his brother's home, instead.

Gov. Hughes, according to the information here, is to be present at the Griscom reception, and it was intimated that the President and the State leaders are anxious to have a man selected to make the gubernatorial race who will suit Mr. Hughes, as well as Mr. Taft.

President Taft, who is to open the mass meeting of the George Washington Memorial Association in Continental Hall next month, was acquainted with the programme yesterday by Dr. George M. Kober, member of the committee on arrangements, who called at the White House.

**AGED TAILOR PASSES AWAY.**  
Daniel Herbst Lived in Washington Since 1857.

At the age of eighty years, Daniel Herbst, a tailor and a native of Germany, died yesterday morning at 2:30 o'clock. Funeral services will be conducted from his residence, 1115 Seventh street northwest, on Sunday afternoon at 2:30. Rev. Paul A. Menzel, pastor of the Concordia Lutheran Church, will officiate. Interment will be in Rock Creek Cemetery.

Palibearers will probably be selected from the Germania Maennerchor and from the Concordia Circle, of which societies he was a member.

Death was directly due to a fall two years ago, when Mr. Herbst's skull was fractured. He has been an invalid since, but was not confined to bed until three months ago.

Mr. Herbst was born in Hanover, Germany, December 21, 1829. He came to this country in 1857, and opened a tailoring establishment in Washington. In 1885 he married Miss Minna Stevers, of Brunswick, Germany. Two years ago they celebrated their golden wedding.

He was known by the German people all over the city. He is survived by his wife and four daughters, Mrs. W. S. Clarke, Mrs. J. F. Sawyer, Mrs. C. Richter, and Mrs. Emma Herbst. Besides these, he leaves two grandchildren and three great-grandchildren.

**Selecting Roosevelt Entertainers.**  
New York, Feb. 10.—President Robert C. Morris said to-day that he hoped to be able to announce on Sunday the names of the men who will make up the committee who will have charge of the arrangement to welcome home Mr. Roosevelt. The committee will comprise representatives of all parts of the country.

**A Smile.**  
From The Youth's Companion.  
"What a beautiful sight it is, Mrs. Bates, to see your two little boys always together!" the summer boarder exclaimed in an ecstasy on the approach of Bobby and Tommy Bates, hand in hand. "Such brotherly love is as rare as it is exquisite."

Mrs. Bates nodded in pleasant assent. "I tell you," she said, "that they're as